
HOUSE BILL 2586

State of Washington

55th Legislature

1998 Regular Session

By Representatives Boldt, Sherstad, Mulliken, Carrell, Sump, Thompson, Lambert, Mielke, Smith, McCune, Bush and Koster

Read first time 01/15/98. Referred to Committee on Law & Justice.

1 AN ACT Relating to prohibiting the state from granting domestic
2 partner benefits; adding a new section to chapter 41.05 RCW; creating
3 new sections; and declaring an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** Marriage is a unique legal and social
6 institution that forms an indispensable basis for healthy families
7 which, in turn, are the fundamental units of a sound society. As such,
8 the law protects and supports the marital relationship and families by
9 recognizing and providing a unique set of benefits, privileges,
10 advantages, entitlements, and rights on behalf of spouses and family
11 members.

12 Same-sex partnerships are not the legal equivalent of lawful
13 marriage and same-sex partners should not be treated the same as or
14 similarly to legally married spouses. It is a compelling interest of
15 the state of Washington to reaffirm its traditional commitment to
16 marriage and to preserve the unique benefits that apply to marital and
17 familial relationships.

1 NEW SECTION. **Sec. 2.** A new section is added to chapter 41.05 RCW
2 to read as follows:

3 (1) No person living in a domestic relationship, other than a
4 relationship recognized as a valid marriage within the state of
5 Washington, may be recognized by the state, in law or otherwise, as a
6 legal spouse, or as constituting a family or marital community, for the
7 purpose of qualifying for, or receiving, any spousal, familial, or
8 marital benefit, privilege, advantage, or entitlement, or any
9 equivalent, that is paid for, directly or indirectly, in whole or in
10 part, with state funds, or whether no state funds are used.

11 (2) The state of Washington may not enact, implement, or enforce
12 any policy that recognizes, in law or otherwise, a person living in a
13 domestic relationship, other than a relationship recognized as a valid
14 marriage within the state of Washington, as a legal spouse, or as
15 constituting a family or marital community, for the purpose of any
16 person being qualified for, or being granted, any spousal, familial, or
17 marital benefit, privilege, advantage, or entitlement, or any
18 equivalent, that is paid for, directly or indirectly, in whole or in
19 part, with state funds, or whether no state funds are used.

20 (3) Current or potential status as a person residing or living in
21 a domestic relationship, other than a relationship recognized as a
22 valid marriage within the state of Washington, shall not be considered
23 by the state, in law or otherwise, and shall not be used by the state
24 as any basis for qualifying any person for or recognizing any person
25 as qualified for, or for any person to receive or to be granted, any
26 benefit, privilege, advantage, or entitlement, or any equivalent, that
27 is paid for, directly or indirectly, in whole or in part, with state
28 funds, or whether no state funds are used.

29 (4) Benefits, privileges, advantages, and entitlements include but
30 are not limited to, the following: Housing, health care, and
31 insurance.

32 (5) Any action taken that is prohibited under this section is void
33 and unenforceable.

34 (6) This act is remedial in nature and is retroactive in scope and
35 effect from July 31, 1997.

36 NEW SECTION. **Sec. 3.** The provisions of this act are to be
37 liberally construed to effectuate the policies and purposes of this

1 act. In the event of conflict between this act and any other provision
2 of state law, the provisions of this act shall govern.

3 NEW SECTION. **Sec. 4.** If any provision of this act or its
4 application to any person or circumstance is held invalid, the
5 remainder of the act or the application of the provision to other
6 persons or circumstances is not affected.

7 NEW SECTION. **Sec. 5.** This act is necessary for the immediate
8 preservation of the public peace, health, morals, or safety, or support
9 of the state government and its existing public institutions, and takes
10 effect immediately.

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